

LT-14,51

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARC S. KIRSCHNER,  
as Trustee of the Refco Litigation Trust,

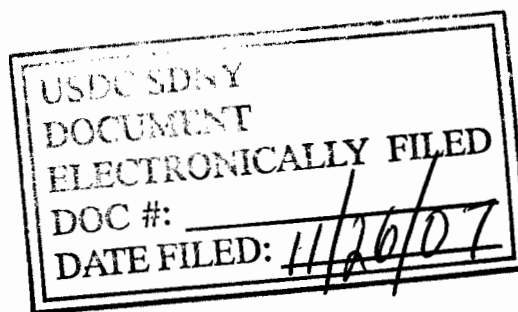
No. 07 Civ. 7074 (GEL)

Plaintiff,

- against -

THOMAS H. LEE PARTNERS, L.P.;  
THOMAS H. LEE ADVISORS, LLC; THL  
MANAGERS V, LLC; THL EQUITY  
ADVISORS V, L.P.; THOMAS H. LEE  
EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H.  
LEE EQUITY (CAYMAN) FUND V, L.P.;  
THOMAS H. LEE INVESTORS LIMITED  
PARTNERSHIP; 1997 THOMAS H. LEE  
NOMINEE TRUST; THOMAS H. LEE;  
DAVID V. HARKINS; SCOTT L. JAECKEL;  
and SCOTT A. SCHOEN,

Defendants.



**STIPULATION AND ORDER**

1. WHEREAS, on August 8, 2007, Plaintiff Marc S. Kirschner (the "Plaintiff"), as Court-approved Trustee for the Refco Litigation Trust, filed his Complaint in the above-captioned action; and
2. WHEREAS, on October 23, 2007, the Defendants in the above-captioned action (the "Defendants") filed an Answer; and
3. WHEREAS, the Defendants noted in their Answer that Plaintiff's Complaint identified Defendant THL Equity Advisors V, LLC as "THL Equity Advisors V, L.P."

**IT IS THEREFORE AGREED AND STIPULATED THAT:**


4. Plaintiff may file a corrected Complaint to reflect the proper name of the Defendant, THL Equity Advisors V, LLC; and

5. For all purposes, this action shall proceed as if the Plaintiff had properly named THL Equity Advisors V, LLC in the Complaint dated August 8, 2007.

6. Defendants shall serve an Answer to the corrected Complaint on or before December 3, 2007.

Dated: November 20, 2007

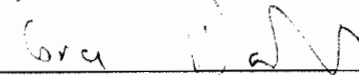
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*Counsel for Plaintiff Marc S. Kirschner,  
as Trustee for the Refco Litigation Trust*

Dated: November 20, 2007

WEIL, GOTSHAL & MANGES LLP

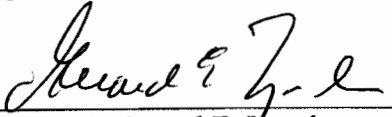
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-and-

PAUL, WEISS, RIFKIND, WHARTON &  
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*Counsel for Defendants Thomas H. Lee Partners,  
L.P.; Thomas H. Lee Advisors, LLC; THL  
Managers V, LLC; THL Equity Advisors V, LLC;  
Thomas H. Lee Parallel Fund V, L.P.; Thomas H.  
Lee Equity (Cayman) Fund V, L.P.; Thomas H. Lee  
Investors Limited Partnership; 1997 Thomas H. Lee  
Nominee Trust; Thomas H. Lee; David V. Harkins;  
Scott L. Jaeckel; and Scott A. Schoen*

**SO ORDERED:**

  
\_\_\_\_\_  
Honorable Gerard E. Lynch  
United States District Judge

Dated: 11/26/07